

SAFETY AND HEALTH

[CT, FP – NR&D, FP – R&D, LH/T&M, A – E 11/10] [NFS 1852.223-70 – 04/02]

(This Article is applicable when one or more of the following conditions exist: (i) the work will be conducted completely or partly on premises owned or controlled by the Government, (ii) the work includes construction, alteration or repair of facilities in excess of \$100,000, (iii) the work, regardless of place of performance, that involves hazards that could endanger the public, astronauts and pilots, the NASA workforce (including Subcontractor employees working on NASA Subcontracts) or high value equipment or property and the hazards are not adequately addressed by Occupational Safety and Health (OSHA) or Department of Transportation (DOT) regulations (if applicable) or (iv) when JPL determines that the assessed risk and consequences of a failure to properly manage and control the hazard(s) warrants use of the clause.)

- (a) The Subcontractor shall take safety and occupational health measures as provided in this Article and JPL Form 2885 in performing under this Subcontract and shall, to the extent set forth below, submit a safety plan and health plan (applicable to the work to be performed under this Subcontract) for JPL's approval, prior to subcontract execution. The Subcontractor shall comply with all Federal, State, and local laws applicable to safety and occupational health in effect on the date of this Subcontract and with the safety and occupational health standards, specifications, reporting requirements, and provisions set forth below.
- (b) The Subcontractor shall take or cause to be taken any other safety and occupational health measures JPL may reasonably direct. To the extent that the Subcontractor may be entitled to an equitable adjustment for those measures under the terms and conditions of this Subcontract, the equitable adjustment shall be determined pursuant to the procedures of the Article of this Subcontract entitled "Changes," provided, that no adjustment shall be made under this Safety and Health Article for any change for which an equitable adjustment is expressly provided under any other provision of the Subcontract.
- (c) Standards. The following safety and health standards, specifications, issuances, and reporting requirements are prescribed pursuant to paragraph (a).
 - (1) General Standards and Specifications: the Subcontractor shall use NASA Procedural Requirements (NPR) 8715.3C NASA General Safety Program Requirements dated March 12, 2008 (w/ Change 4 dated July 20, 2009) as a general policy guide to establish a safety program to be included in the safety and health plan to be submitted in accordance with paragraph (a) above.
 - (2) Nuclear Safety: Radioactive material will be handled in accordance with appropriate Federal, State, local and tribal regulations and requirements, to specifically include those of the State of California, Department of Energy and/or Nuclear Regulatory Commission. Launching of nuclear materials into space shall be done in accordance with National Security Council/Presidential Directive 25, as of May 8, 1996. Chapter 6, Nuclear Safety for Launching Radioactive Materials of NPR 8715.3C NASA General Safety Program Requirements dated March 12, 2008 (w/ Change 4 dated July 20, 2009) provides specific additional NASA requirements.
 - (3) Propulsion Safety: The Subcontractor shall comply with all applicable Federal, State, and local requirements applicable to propulsion safety, and the requirements shall be used to establish a propulsion safety program (if applicable) to be included in the safety and health plan to be submitted in accordance with paragraph (a) above.
 - (4) Fire Safety: The Subcontractor shall comply with all applicable Federal, State, and Local requirements pertaining to Fire Protection and Life Safety. NASA STD 8719.11, NASA Safety Standard for Fire Protection and Life Safety, dated December 19, 2000, will be followed to ensure safety of NASA facilities.
 - (5) Ammunition and Explosive Safety: The Subcontractor shall comply with all applicable Federal, State, and local requirements applicable to ammunition and explosive safety. The requirements of NSS 1740.12 NASA Safety Standard for Explosives, Propellants and Pyrotechnics, dated August 1993, shall be used to establish a propulsion safety program to be included in the safety and health plan to be submitted in accordance with paragraph (a) above.
 - (6) Pressure Vessel and Pressure System Safety: The Subcontractor shall establish a pressure systems safety and recertification program in accordance with NPD 8710.5D, NASA Policy for Pressure Vessels and Systems, dated March 12, 2008 and NASA Technical Standard 8719.17 Revision A, NASA Requirements for Ground-Based Pressure Vessels and Pressurized Systems (PVS) approved November 6, 2009.
 - (7) Any additional safety and health standards, specifications, issuances and reporting requirements set forth in this Subcontract.

- (d) The safety and health plan to be submitted by the Subcontractor pursuant to paragraph (a) above shall implement the requirements of this Article and of the standards and specifications of paragraph (c) of this Article and shall describe the means to be employed by the Subcontractor to monitor and enforce said requirements. The plan shall include the Subcontractor's standards and criteria for imposing safety and health standards upon its Lower-tier Subcontractors and its plans and procedures for monitoring compliance with such standards. A safety and health plan for similar work performed by the Subcontractor on a Federal Subcontract may be submitted for review and approval under this Article.
- (e) Illness, Incident, and Injury Experience Reports.
- Reports required by this Article or elsewhere in this Subcontract shall be furnished in three copies unless otherwise specified. Subcontractor shall refer to JPL Form 2885 for detail regarding reporting requirements.
- (1) Mishap Reports: The Subcontractor shall furnish JPL mishap reports and respond to JPL requests for mishap reviews. The Subcontractor shall conduct its own mishap investigations consistent with NPR 8621.1B, NASA Procedural Requirements for Mishap and Close Call Reporting, Investigating and Recordkeeping w/ Change 4 (November 2, 2009) dated May 23, 2006 with the understanding that all references to NASA in that policy shall be interpreted to mean the Subcontractor. The Subcontractor shall utilize the NPR 8621.1B, NASA Procedural Requirements for Mishap and Close Call Reporting, Investigating and Recordkeeping w/ Change 4 (November 2, 2009) dated May 23, 2006 procedures as guidelines. The Subcontractor shall also report to the JPL Subcontract Manager any incidents that may have visibility in the press, mission failures, or mission anomalies that will have high JPL or NASA visibility in the press.
- (2) The Subcontractor shall furnish such other reports as JPL determines to be related to the Subcontractor's safety and health program and its experiences thereunder.
- (f)
- (1) JPL may notify the Subcontractor in writing of any noncompliance with this Article and specify corrective actions to be taken. The Subcontractor shall promptly take and report any necessary corrective action.
- (2) When the JPL Subcontracts Manager becomes aware of noncompliance that may pose a serious or imminent danger to safety and health of the public, astronauts and pilots, the NASA workforce (including Subcontractor employees working on NASA Subcontracts) or high value mission critical equipment or property, the JPL Subcontract Manager shall notify the Subcontractor orally, and follow with written confirmation. The Subcontractor shall promptly take and report any necessary corrective action. If the Subcontractor fails or refuses to institute prompt corrective action in accordance with subparagraph (f)(1) of this Article, JPL may invoke the stop work order Article of this Subcontract or any other remedy legally available to the Institute in the event of such failure or refusal.
- (g) The Subcontractor (or Lower-tier Subcontractor or supplier) shall cause the substance of this Article, including this paragraph (g) and any applicable provisions of this Subcontract, with any appropriate changes of designations of the parties, to be inserted in Lower-tier Subcontracts of every tier which involve work to which this Article is applicable as specified in the preamble above.
- (h) The Subcontractor agrees that authorized representatives of JPL or the Contracting Officer shall have access to and the right to examine the sites or areas where work under this Subcontract is being performed in order to determine the adequacy of the Subcontractor's safety and health measures under this Article.